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C O N F I D E N T I A L SECTION 01 OF 04 ROME 000912

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SUBJECT: LEBANON: ITALY OPEN-MINDED ON SPECIAL TRIBUNAL  
CHAPTER VII UNSCR

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Classified By: A/POL M/C Jonathan R. Cohen for reasons 1.4 b and d.

Summary:

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11. (C) A/S Welch urged his GOI interlocutors to support establishment of the Special Tribunal for Lebanon under UNSC chapter VII authority, asked for Italian engagement in pushing Maronite Leader Sfeir (who was scheduled to visit Rome at end of April) to unite Christians in Lebanon, and stressed U.S. appreciation for Italy's important role in Lebanon and UNIFIL, during meetings in Rome April 23-24. While GOI interlocutors were supportive of the need to push for a Tribunal and agreed with Welch that the GOL is at an impasse, they raised reservations, including the safety of their troops in UNIFIL, indicating that while they remain open-minded Italy does not want to rush a UNSCR authorizing the Tribunal. Middle East Director Ragaglini agreed on the need to strengthen the arms embargo under UNSCR 1701 and said Italy could host the next meeting of the Lebanese Contact Group, but suggested waiting until after the French elections. Welch stressed the importance of maintaining the Quartet principles and discussed developments in the Middle East Peace Process (MEPP). End Summary.

12. (SBU) NEA Assistant Secretary David Welch met with MFA Director General for Mediterranean and Middle East Affairs, Cesare Ragaglini, (accompanied by COS Carlo Formosa and Near East Office Director Luciano Pezzotti); MFA DG for Political and Multilateral Affairs Giulio Terzi (accompanied by incoming DCM to Italian Embassy in Washington Sebastiano Cardi and UN Coordinator De Vito); and PM's Middle East Advisor Marco Carnelos during an April 23-24 visit to Rome. A/S Welch also met with senior editors and briefed them, on background, on developments in the region during a luncheon hosted by the Ambassador on April 23. On April 24 A/S Welch gave a recorded interview, emphasizing the situation in Lebanon and Italy's leading role, to Italy's premier TV news show, RAI TG 1 TV news, which was aired three times to an audience of over 14 million. A/S Welch was accompanied by Deputy Legal Advisor Jonathan Schwartz, NEA SA Amy Tachco and poloff.

The Case for the Special Tribunal under Chapter VII

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13. (C) Welch laid out the case for establishing the special tribunal for Lebanon under chapter VII should UN Legal Counsel Michel's report to the UNSC indicate what the GOL has already asserted, that the establishment of the Tribunal is

not possible through Lebanon's constitutional process. Welch noted that a chapter VII UNSCR would not change the essentially Lebanese elements of the Tribunal. It would still apply Lebanese law and utilize Lebanese judges. The actual establishment of the Tribunal would take up to a year giving the Lebanese time to settle the current political stalemate before the Tribunal was to begin. Welch added that UNIIIC Commissioner Brammertz has indicated the Tribunal's establishment would help him conclude his investigation by affording his witnesses a sense of protection.

FM Open-Minded on Ch. VII UNSCR; Michel Report Critical  
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14. (C) Ragaglini agreed the UNSC must move toward establishing the Tribunal through chapter VII but added that doing so must improve the situation on the ground, not deteriorate it. He expressed concern over the consequences of taking the Tribunal decision out of Lebanese hands. Ragaglini wondered whether doing so would cause the remaining problems, including the political stalemate and the upcoming Presidential elections, to spin out of control and give the Lebanese population the misguided expectation that the international community will step in, yet again, to fix Lebanon's problems. Welch argued that establishment of the Tribunal would actually help move the political stalemate forward by taking the Tribunal off the bargaining table and preventing the anti-Tribunal forces (i.e. Syria) from gaining a victory. Welch suggested that if Syria were wise, it would let negotiations on the Tribunal continue. Once discussions moved to the UNSC the Tribunal would be established with less Syrian input, and would probably be less friendly to Syria.

15. (C) Terzi also expressed concerns that the consequences or risks of a chapter VII resolution might outweigh the benefits. In particular Terzi noted this would be the first

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time a UNSC chapter VII resolution would establish a tribunal without the consent of all the concerned parties. However, he added that FM D'Alema had told visiting UNSYG Ban April 23 that he remained open-minded on the issue. Terzi said FM D'Alema would consider UN Legal Counsel Michel's upcoming report on the situation in making his decision. Both Terzi and Ragaglini mentioned Siniora had sent a letter to Prodi the week of April 16 indirectly asking for Italy's help in establishing the Tribunal through the UNSC, and that the letter had influenced FM D'Alema.

On Timing, Italy flexible but advocates one last push  
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16. (C) Ragaglini said Italy would wait to hear Michel's report before making any decisions. If the report indicates a chapter VII resolution is necessary, Ragaglini suggested delivering one final strong message to the Lebanese opposition and Syria before going to the UNSC. Ragaglini emphasized that the resolution should not come as a surprise to any of the parties and that all involved, including Syria, should be given a chance to express their reservations. He added that FM D'Alema could deliver such a message, which should be done privately, to his Syrian counterpart on the margins of the May 4 Iraq Neighbors Plus conference. Welch agreed but insisted we should activate our final push immediately after the Michel report. It will be a defeat for Siniora if the UNSC does not act swiftly, he warned.

UNIFIL: Italy agrees on need to strengthen Arms Embargo  
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17. (C) Welch conveyed to MFA Political Director Terzi the Secretary's personal respects to FM D'Alema and stressed US

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appreciation for Italy's important role in Lebanon and  
UNIFIL. Welch noted that the US views UNIFIL as a success

due largely to Italy's leadership. Welch said he expected a smooth roll-over of UNIFIL's mandate in August, but suggested we think of ways to strengthen the arms embargo and implementation of UNSCR 1701.

¶8. (C) Terzi and Ragaglini agreed on the need to explore ways to strengthen the arms embargo. Ragaglini suggested using the contact group to examine ways to support the Lebanese Armed Forces (LAF) through projects such as the German border initiative. Welch agreed and said the President had requested USD 770 million from Congress to support relief and reconstruction in Lebanon, over 200 million of which would go to support security assistance.

Suggest Lebanon Contact Group Meet After French Elections  
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¶9. (C) Welch thanked Ragaglini for his help in creating the informal contact group on Lebanon, which met recently in London, and agreed on the need to continue to use the format to conduct proper and regular consultations between the serious UNIFIL contributors and the US and UK. Welch said he looked forward to a follow-up meeting and appreciated Italy's willingness to host. Ragaglini said Italy could look into hosting the next round of discussions. He suggested waiting until after the French elections and agreed that it was more useful to have discussions in capitals vice New York.

Italy Pushes for Movement on Sheba'a farms  
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¶10. (C) Both Terzi and Ragaglini pressed Welch on Sheba'a Farms, suggesting Israel be pressured to turn over control to the UN in an effort to show support for Siniora. Welch doubted the Israelis would agree to do so. PM Olmert wouldn't want to be seen as giving Hizballah a victory without getting something significant in return. Welch suggested the UNSYG be encouraged to continue exploring options for Sheba'a.

Italians Concerned about Lebanese Presidential Elections  
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¶11. (C) Ragaglini expressed concern that Lebanese President Lahoud would create problems in the fall, effectively blocking a democratic transfer of power by refusing to delegate his power to the government before he leaves. Welch stressed the need for Lahoud to be replaced and agreed he didn't see a strong candidate emerging. Welch said he hoped the Vatican could play a constructive role in uniting the

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Lebanese Christians and helping a pro-Lebanon candidate emerge. He said it would be a mistake for the West to be seen as choosing a candidate.

Italy Agrees to Push Sfeir to Unite Christians  
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¶12. (C) Welch urged his interlocutors to send a strong private message to Maronite Patriarch Sfeir to assume a higher profile in bringing peace and stability to Lebanon during his upcoming visit to Rome. He said he had sent the same message to the Vatican earlier in the day and had asked PA President Abbas to do so as well. Ragaglini agreed to do so and noted that Sfeir too is saddened by the divisions within the Christian population, but added the one positive outcome from the current division is that the two Christian factions are unlikely to fight each other, so the crisis remains political rather than ethnic. Note. According to PM Advisor Carnelos Palestinian President Abbas, who was visiting Rome and had met with Welch on April 23, had asked PM Prodi to tell A/S Welch that he, too, had sent a message to the Pope advocating a stronger role in Lebanon. End Note.

Saudi King Upset with US and Concerned over Lebanon

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¶13. (C) Carnelos told Welch that during the course of Italian PM Prodi's April 21 meeting in Riyadh with the King, the King had repeatedly said that he was upset with developments in Darfur and in particular with the recent American actions on the issue. Carnelos said the King didn't elaborate but was specifically upset with the U.S. and made a big deal of his view that everything had been going well until the recent actions. Carnelos stressed that the King had not asked Prodi to pass it to us, but Carnelos thought he should share since the King had been so emphatic and direct. The King also expressed concern over the situation in Lebanon, calling the upcoming Presidential election a "ticking bomb".

Welch Argues Importance of Maintaining Quartet Principles  
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¶14. (C) Welch told the Italians the U.S. was pursuing a three pronged approach to the Middle East Peace Process (MEPP) and that he saw some signs of progress. On the bilateral track, he said the atmosphere between Olmert and Abbas had improved, as the decision to hold their next meeting in Jericho demonstrated. On the regional track, Welch said the U.S. is encouraging the moderate Arab states to show some creativity and Israel to take a careful look at their proposals. Finally, on the international track, Welch said it was important to keep the Quartet discussions going and said he was traveling to Berlin April 25 to discuss holding a Quartet meeting in the region. Ragaglini suggested the Quartet meet the Arab Quartet. Welch agreed such a meeting could be useful but said the Arab states are not yet ready were such a meeting to include Israel and the Palestinians. Ragaglini suggested the Saudi's could be used to sway the group if Israel showed more interest in the "Saudi" Arab initiative.

¶15. (C) Welch said Abbas will need to understand at some point that he has to solve the problem of cohabitation with a group that does not accept his policy, does not recognize Israel, hasn't signed the Arab League Initiative and hasn't disavowed violence. This is where the international community can play a fundamental role in sticking to the Quartet principles. Abbas has to reform his party, improve the security situation with the help of the international community, and get Israel to put something on the table so he can show the Palestinians that he can deliver. Then he should take the question back to the Palestinian people for another vote and hopefully they will see in him a responsible leader who can deliver to them what Hamas cannot.

Italy Urges Un-Freezing of Palestinian Funds  
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¶16. (C) Terzi said Italy welcomed U.S. re-engagement on a practical level on the Arab/Israeli issue. He said efforts continue within the EU and that a decision by the EU to extend the TIM by three months should be matched by a positive decision on the Israeli side to restore funds.

¶17. (C) Welch said the U.S. will continue to operate as we

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have been. There will be no change in U.S. law. It will remain possible to give funds to President Abbas through independent institutions and the PLO accounts but not to the national unity government directly.

¶18. (U) A/S Welch cleared this cable.  
Spogli